

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

MIDAMINES SPRL LTD. (Ill. Corp.),
Plaintiff,

No. 18-cv-01489

v.
The Honorable John J. Tharp, Jr.

KBC BANK N.V. and KBC GROUP N.V.,
Defendants.

/

Plaintiff's Opposition To Motion For Supplemental Briefing

Had Defendants KBC Bank NV and KBC Group NV been candid with the Court, they would have informed the Court that the true purpose of their motion for supplemental briefing (and other pending motions) is to perpetuate the Defendants' unlawful theft of Plaintiff's funds.

Plaintiff respectfully opposes the improper motion at Doc. 50. KBC Bank NV and KBC Group NV continue to steal the Plaintiff's money. The Plaintiff Midamines Sprl Ltd. has a right to recover all of its funds plus the interest. The issues have been extensively and fully briefed and so supplemental briefing is not necessary. The Defendants' improper motion is designed as an attempt to deny the Plaintiff access to the state courts of Illinois which have different legal standards. Also, there are state law causes of action which are not present in the current federal court action, such as for breach of contract, and for Defendants' statutory violations of the Illinois Uniform Commercial Code. Moreover, Plaintiff's state court action was required to be filed before December 15, 2018, i.e. within one year after dismissal of the prior federal court action for lack of jurisdiction with a right to refile, rendered on December 15, 2017.

KBC's motion for "filing bar" as to all federal courts and all state courts in Illinois is improper and runs counter to the Anti-Injunction Act. A federal court may not enjoin "proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." 28 U.S.C. § 2283.

This law, known as the Anti-Injunction Act, represents "a necessary concomitant of the Framers' decision to authorize, and Congress' decision to implement, a dual system of federal and state courts." *Smith v. Bayer Corp.*, 31 S.Ct. 2368, 2375 (2011) (quoting *Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 146,108 S.Ct. 1684 (1988)). Under the Act's broad command that state tribunals "shall remain free from interference by federal courts," id. (quoting *Atl. Coast Line R.R. v. Locomotive Eng'rs*, 398 U.S. 281, 282, 90 S.Ct. 1739, 26 L.Ed.2d 234 (1970)), "the Act's core message is one of respect for state courts," id. The Plaintiff, Midamines Sprl Ltd., has valid federal law claims herein and Plaintiff in its state court action has valid state law claims against KBC Bank NV and KBC Group NV.

Dated: December 4, 2018

Respectfully submitted,

s/ Hassan A. Abbas

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